

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

IN RE: PHENYLPROPANOLAMINE
(PPA) PRODUCTS LIABILITY
LITIGATION,

MDL NO. 1407

This document relates to:

Pamela Stowe v. Bayer Corpora-
tion, No. 4-cv-2351.

ORDER GRANTING BAYER CORPORATION'S MOTION FOR SUPPLEMENTAL DEPOSITION OF PLAINTIFF

Before the court is Bayer Corporation's motion for leave to take a supplemental deposition of Plaintiff Pamela Stowe. Having reviewed the motion, the opposition filed and the reply thereto, the court hereby finds and rules as follows:

Plaintiff alleges that she suffered a stroke as the result of taking a Phenylpropanolamine ("PPA")-containing product manufactured by Bayer. On September 28, 2004, she filed suit in the United States District Court for the District of Arizona. The case was subsequently transferred to this court as part of MDL 1407.

Plaintiff was deposed on January 15, 2003. Thereafter, on June 20, 2003, plaintiff served Bayer with a supplemental

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1 Plaintiff's Fact Sheet ("PFS") in which she disclosed for the
2 first time that she suffered emotional and/or cognitive injuries,
3 provided a narrative with respect to her use of the PPA-
4 containing product, and asserted a claim for "lost time" for the
5 years 2000-2004. Rather than immediately note a second deposition
6 of plaintiff on these issues, Bayer waited over two years before
7 attempting to schedule the deposition. Presumably Bayer was
8 finally prodded into action by the fact that plaintiff filed
9 three additional supplements to the PFS in April and July 2005.
10 At this point, Bayer finally contacted plaintiff's counsel about
11 deposing her a second time. Not surprisingly, plaintiff's counsel
12 refused Bayer's request.

13 It is incumbent on each party to this litigation to pursue
14 discovery in a timely manner. The court seriously questions
15 whether Bayer has fulfilled its obligation. Nevertheless, Bayer
16 is entitled to question plaintiff regarding the supplemental
17 information she provided after her deposition was originally
18 taken. Bayer may only examine plaintiff on the information
19 provided in the June 20, 2003, April 12 and 13, 2005, and July
20 11, 2005 supplemental PFSs. Bayer shall not ask redundant or
21 repetitive questions.

22 Based on the foregoing, the court hereby GRANTS Bayer's
23 motion for a supplemental deposition of plaintiff. The deposition
24 shall be scheduled and completed within thirty days from the date
25 of this order.

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ORDER
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1 DATED at Seattle, Washington this 31th day of August, 2005.
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Barbara Jacobs Rothstein
BARBARA JACOBS ROTHSTEIN
UNITED STATES DISTRICT COURT JUDGE